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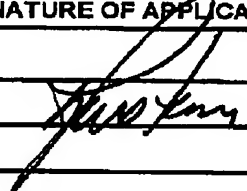
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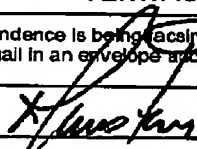
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/314,314
	Filing Date	12/11/2001
	First Named Inventor	Loewenstein
	Art Unit	3713
	Examiner Name	Rada/Thai (SPE)
	Attorney Docket Number	Diamond Poker
Total Number of Pages in This Submission		

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Remarks Letter to SPE Thai		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	David A. Loewenstein	
Signature		
Printed name	David A. Loewenstein	
Date	Reg. No.	35,591

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Typed or printed name	David A. Loewenstein	Date 1/16/2006

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

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LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone, I am resending, now for the third time, a copy of my Appeal Brief together with proof that it was originally filed on September 6, 2005.

In addition I am resending a copy of the fax I sent on November 17 which included the proof that the brief had been filed on September 6 together with a copy of the Appeal Brief. I am attaching the confirmation copies of the fax proving the fax was received. For some reason the last page of the fax did not go through on November 16, so I sent it separately. The confirmation page for that one page is also attached.

Apparently this fax was lost by the PTO

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

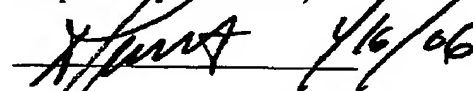
(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief. I has crossed out my checking account number for security reasons.

There can be no question whatsoever that the three appeal briefs, the check and the postcard were mailed via Express Mail on September 6, 2005 and were received the following day on September 7, 2005 at the Patent Office. Because they were mailed via Express Mail the filing date is the date mailed (i.e., September 6th). See 37 CFR § 1.10 (a)(1).

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein
Reg. No. 35, 591

802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

Examiner: Rada/SPE Thai
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PTO/SB/21 (09-04)
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	First Named Inventor	Loewenstein
	Art Unit	3713
	Examiner Name	Rada/ Thai (SPE)
	Attorney Docket Number	Diamond Poker

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Firm Name	David A. Loewenstein
Signature	<i>[Signature]</i>
Printed name	David A. Loewenstein
Date	11/17/05
Reg. No.	35,591

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Typed or printed name	David A. Loewenstein
Date	11/17/05

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Loewenstein
Serial No. : 10/015,314
Filed : 12/11/01
Title : POKER GAME
Examiner : Rada
Art Unit : 3713

LETTER TO SUPERVISORY EXAMINER XUAN M. THAI

As we discussed on the telephone today, Applicant (I) sent to the Patent Office on September 6, 2005 via Express Mail: (1) three copies of an Appeal Brief; (2) a check for \$250 for the associated fee; (3) a self addressed post card and (4) a transmittal form.

Attached to this letter are the following:

(1) a copy of the postcard that bears a received stamped by the OIPE on September 6, 2005 (there is a typographical error on the date mailed);

(2) a two page printout of the United States Postal Service web site that indicates that air bill number ER84 5145 435US was accepted in New York on September 6, 2005 at 5:59 PM and received at the Patent Office at 8:37 AM September 7, 2005. It was signed for by S DYAR. I cannot account for the discrepancy between the PTO's September 6 date stamp on the postcard and the Post Office's received date of September 7, but my assumption is because the package was received at 8:37 AM the

Serial No. 10/015,314
Art Unit: 3714

1

Examiner: Rada/SPE Thai
VIA FAX 571-273-8300

person who stamped it forgot to advance the date. The air bill number corresponds to the Express Mail number in the footer of the Appeal Brief, a copy of which is attached; and

(3) A print out from Citibank's web site of canceled check number 581 for \$250 that has in the "memo" field "Appeal 314 Appln" this corresponds to the pending application number 10/015,314. The check was cashed by the Patent Office on September 8, 2005. The amount corresponds to the fee for submitting an appeal brief.

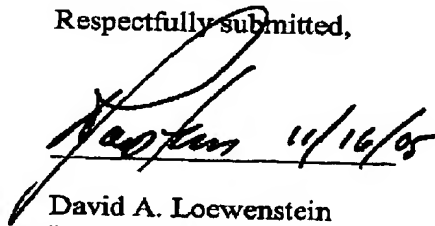
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I am attaching a copy of the brief that was filed on that date. Please enter it into the system.

I would appreciate a call letting me know that this has been done. My work number is 212-632-3572.

Thank you in advance for your attention.

Respectfully submitted,



David A. Loewenstein
Reg. No. 35, 591
802 King Street
Rye Brook, NY 10573
(914) 937-4119

Serial No. 10/015,314
Art Unit: 3714

2

Examiner: Rada/SPE Thai
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3/1/2006 12:17 PM PAGE 8/054 Fax Server
Loewenstein 914-937-3338

p. 7

Serial No.: 10/015,314

Filing Date: 12/11/2001

Inventor: Loewenstein

~~Attorney~~ 3714

~~Postmark~~ Mailed: 7/1/2005

Title: Poker Game



To the individual receiving this correspondence, please check the contents enclosed and verify that the following items were enclosed by date stamping and placing this postcard in the out-going mail. Thank you.

- Three Copies of Appellant's Appeal Brief
- Transmittal Form
- Check for \$250

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- Arrival at Unit, September 07, 2005, 8:04 am, DULLES, VA 20102
- Acceptance, September 06, 2005, 5:59 pm, NEW YORK, NY 10150

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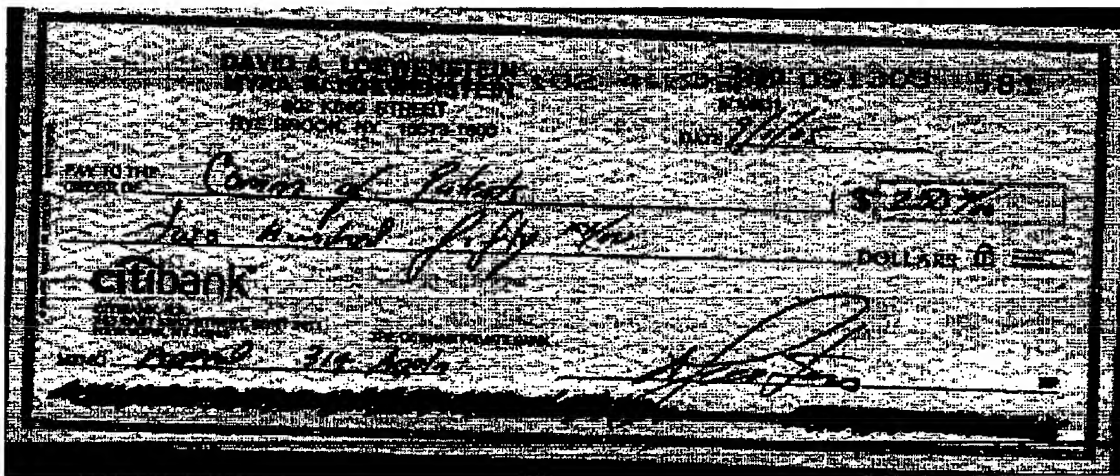
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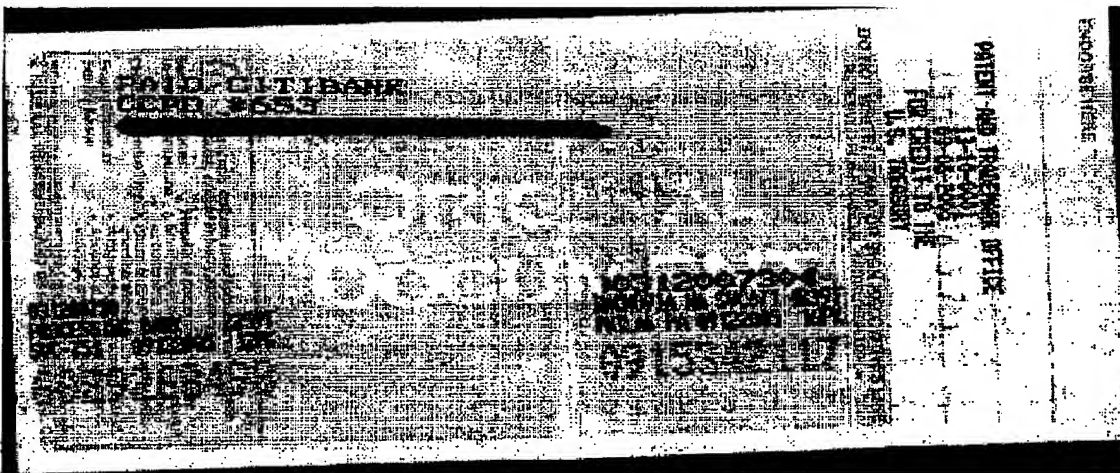
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TRANSMITTAL FORM	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">10714,274</td> </tr> <tr> <td>Filing Date</td> <td>07/12/01</td> </tr> <tr> <td>First named Inventor</td> <td>Lovgren</td> </tr> <tr> <td>Att. Unit</td> <td>2715</td> </tr> <tr> <td>Examiner Name</td> <td>Reed (Tul 1047)</td> </tr> <tr> <td>Attorney/Deputy Name</td> <td>General Public</td> </tr> </table>	Application Number	10714,274	Filing Date	07/12/01	First named Inventor	Lovgren	Att. Unit	2715	Examiner Name	Reed (Tul 1047)	Attorney/Deputy Name	General Public
Application Number	10714,274												
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First named Inventor	Lovgren												
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Print Name	David A. Lovgren	
Signature	<i>[Signature]</i>	
Printed name	David A. Lovgren	
Date	11/17/05	Exp. No. 03,671

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Signature: *[Signature]* VIA FAX 571-273-1900

Typed or printed name: DAVID A. LOVGREN	Date: 11/17/05
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Application Number	10/314,314
Filing Date	12/11/2001
First Named Inventor	Loewenstein
Art Unit	3713
Examiner Name	Rade/ Thel (SPE)
Attorney Docket Number	Diamond Poker

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TRANSMITTAL FORM	
Application Number	10514,314
Filing Date	12/11/2001
First Named Inventor	Loewenstein
Art Unit	3713
Examiner Name	Rachel Thal (RPT)
Attorney Docket Number	Diamond Poker

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